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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,181

09/20/2006

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1980

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7590

04/06/2010

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EXAMINER

EMPIE, NATHAN H

ART UNIT

PAPER NUMBER

1712

MAIL DATE

DELIVERY MODE

04/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/598,181</p>	<p>Applicant(s) VATANEN ET AL.</p>	
	<p>Examiner NATHAN H. EMPIE</p>	<p>Art Unit 1712</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 11 and 13-23.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Michael Cleveland/
Supervisory Patent Examiner, Art Unit 1712

/N. H. E./
Examiner, Art Unit 1712

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments directed toward the previous 35 USC 103 rejection of claims 11 and 19 (and dependant claims) are not convincing. The Applicant has argued that the examiner has not properly supported a prima facie case of obviousness in that the prior art had not adequately taught a functional means for regulating the cross-directional profile thickness of each supply line via regulating each layers feeding supply line; or in other words, no single prior art of record has taught the actual orientation and geometry of parts required to achieve what is desired in the teaching of the prior art. The examiner asserts that specific geometries / structures found in Applicant's specification are not present in the claims, and as the cited prior art is not required to teach these specific features; although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further with regard to claim 19, there does not exist any claimed limitation with regard to a feature modifying an effective area of a flow channel at each of multitude of points in the cross direction between the corresponding feed chamber and feed slot (this limitation is only present in claim 11). The only action of controlling described in claim 19 is with respect to controlling the feed rates of first and second coating materials, which the prior art has taught. Further with respect to arguments directed to claim 11, Arai has taught manipulating an element (19) along a cross machine direction whereby the effective area of the flow path of the fed coating is altered to achieve a selected cross machine direction thickness profile for at least one coating material (see, for example, Fig 3, and [0051-0055]). Okada has taught enhancing the regulation of applied coated area by incorporating a plurality of cross machine direction feed holes (80) which communicate between a feed chamber (76) and a nozzle slot (74) and wherein the flow through the plurality of feed holes is manipulated by an element (82) disposed in each of the plurality of feed holes (see, for example, Fig 8, abstract, [0009-0012], and [0048-0052]). By incorporating a series of distinct adjusting elements one of ordinary skill in the art would appreciate that gains in overall control of thickness are improved. The examiner asserts that the coating die of Nakamura is basically a grouping of separated coating dies with separate feeds and nozzles sharing a flow plane, as such the examiner asserts that one of ordinary skill in the art would appreciate that the benefits taught by the prior art to die feed supply systems would be achieved by incorporating such controlling means to each and every separate feed supply making up the multilayer coating die of Nakamura.